

REMARKS

Applicant has carefully reviewed and considered the Final Office Action mailed on March 26, 2003, and the references cited therewith.

Claims 1, 8, and 15 are amended consistent with the originally filed specification. These amendments are consistent with the previous amendments, do not add any new matter, are made for purposes of putting the claims in condition for allowance, and do not require or necessitate a new search by the Examiner. Accordingly, Applicant respectfully requests that these amendments be entered. As a result, claims 1-20 are now pending in this application.

§102(e) Rejection of the Claims

The Examiner rejected claims 1-20 as being anticipated under 35 USC § 102(e) by U.S. Patent No. 6,240,411 (hereinafter “Thearling”). It is fundamental that in order to sustain an anticipation rejection each and every step or element in the rejected claims must be taught or disclosed in the cited reference.

Applicant incorporates by reference the previous arguments of record. Thearling fails to teach or disclose, either expressly or inherently, determining a correlation during a campaign at configurable or adjustable time intervals, as is recited in Applicant’s previously amended claims 1, 8, and 15. Accordingly, the anticipation rejection with respect to Thearling is no sustainable.

The Examiner has asserted that Thearling includes the influence of time on the calculations necessary to analyze and score a record. Support for this assertion is provided by a reference in Thearling to “computational savings.” Thearling, col. 14, lines 27-29. This single sentence is extracted out of context from Thearling and does not support the conclusion made by the Examiner.

The context of the entire paragraph in Thearling discusses how to alter the processing steps of an algorithm to achieve the same result, but not how to alter the algorithm itself. This is further evidenced by the statement made in Thearling that temporary tables can be formed in different manners. Thearling, col. 14, lines 20-26.

There is no evidence or teaching in Thearling that the scoring (algorithm) is altered based on the delay or increase in time to pursue another implementation of the standard algorithm. Thearling's alternative implementations may increase or decrease time for a calculation to process a score, but the elapsed time does not affect the score as suggested by the Examiner. Time is an incidental consequence of processing the algorithms in Thearling, but time does not affect the outcome of the algorithms in Thearling. Moreover, there is no support for any reasonable inferences that can be drawn from Thearling in order to support the Examiner's current conclusion.

Conversely, Applicant's invention is directed to using time or intervals to directly impact and affect correlations of a campaign. Thus, Applicant asserts that Thearling does not teach intervals or time periods that affect correlations as is recited in Applicant's independent claims.

However, in the interest of more clearly pointing out the influence of time on campaign correlations with respect to Applicant's independent claims 1, 8, and 15, these claims have been amended. The amended claims recite intervals or time associated with environmental changes that are outside the scope of the campaign. Thus, Thearling cannot be said to teach or disclose this aspect of Applicant's invention, since any time reference in Thearling is clearly directed to computational time of the algorithms and not to time with respect to external environmental changes. In other words, time is not used in Thearling to affect the algorithms; it is only an incidental consequence of processing the algorithms. But, in Applicant's invention time is used to alter the correlations and is used to determine or catch external environmental changes occurring outside the scope of the campaign.

Accordingly, the present claims should be allowed to issue and the rejections withdrawn.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants attorney ((513) 942-0224) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No.19-0743.

Respectfully submitted,

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By his Representatives,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF; Commissioner of Patents, P.O. Box 1450. Alexandria, VA 22313-1450, on this 27th day of May, 2003.

Name:

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Signature

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